



3723

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10/misc.
Letter

In re the Application of

Hiroyuki YAJIMA et al.

Group Art Unit: 3723

Application No.: 09/987,736

Examiner: G. Nguyen

Filed: November 15, 2001

Docket No.: 111102

For: METHOD FOR REMOVING FINE FOREIGN MATTERS, AND ROLLING
BEARING USING THE SAME

CONFIRMATION OF TELEPHONE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In a September 26 Office Action, it was asserted that 1) the July 21, 2003 Amendment was not fully responsive because claim 12 is directed to an apparatus while the original claims were directed to a method; 2) the examination of the method claims on the merits constitutes a constructive election of the invention recited in the method claims; and 3) claim 12 recites an invention that is independent or distinct from the elected invention, thus should be withdrawn.

An October 7, 2003 telephone interview was conducted, during which Examiner Nguyen agreed that the September 26 Office Action was issued in error, because original claim 5 was an apparatus claim. Thus, the constructive election between an apparatus invention and a method invention as asserted in the Office Action was incorrect. Examiner Nguyen agreed to withdraw the September 26 Office Action upon receipt of this Confirmation of Telephone Interview, as a full and complete response to the Office Action.

In view of the above, the application is in condition for reconsideration in light of the amendments and remarks presented in the July 21, 2003 Amendment. Prompt reconsideration and allowance of the pending claims are respectfully requested.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Gang Luo
Registration No. 50,559

JAO:GXL/sqb
Date: October 10, 2003
OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400